

South Australia

## South Australian Housing Trust (General) Regulations 1995

under the *South Australian Housing Trust Act 1995*

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### Legislative history

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#### 1—Short title

These regulations may be cited as the *South Australian Housing Trust (General) Regulations 1995*.

#### 3—Interpretation

In these regulations—

*the Act* means the *South Australian Housing Trust Act 1995*.

#### 4—Criteria—affordable housing

The Minister may, by notice in the Gazette, determine criteria that are to be applied for the purpose of determining whether a policy, strategy, program, application or other matter falls within the concept of *affordable housing*.

#### 5—Financial accommodation

Pursuant to section 21(1)(d) of the Act, SAHT is authorised to borrow money or obtain other forms of financial accommodation—

- (a) from another agent or instrumentality of the Crown; or
- (b) from a Commonwealth Department or instrumentality; or
- (c) under the terms of an intergovernmental agreement to which the State is a party.

#### 6—Joint ventures

The following are prescribed for the purposes of section 21(3) of the Act:

- (a) a scheme or arrangement involving land owned or occupied by SAHT;

- (b) a scheme or arrangement that does not require SAHT to contribute (in total) more than \$100 000 in money or resources.

#### **6A—Registration of covenants—prescribed fee**

The amount prescribed from time to time by the *Real Property (Fees) Regulations 2002* as the fee for the registration of an encumbrance under the *Real Property Act 1886* is prescribed for the purposes of section 21A(6)(c) of the Act.

#### **6B—Appeals—prescribed periods**

For the purposes of section 32D(2)(a) of the Act, the following periods are prescribed:

- (a) in the case of an application that relates to—
  - (i) a decision of SAHT not to renew a tenancy; or
  - (ii) a decision of SAHT to terminate a tenancy; or
  - (iii) a decision of SAHT on an application to SAHT to transfer a tenancy to the spouse, partner or other family member of the tenant or former tenant; or
  - (iv) a decision of SAHT on an application to SAHT for rent assistance, or in relation to a bond, where the landlord is not SAHT,7 days;
- (b) in any other case—30 days.

#### **7—Mandatory provision in conditions of tenancy**

Pursuant to section 44(2)(a) of the Act, an agreement between SAHT and a tenant setting out the conditions of the tenancy must contain a provision in a form approved from time to time by the Minister that allows SAHT to charge, as a component of the rent payable under the agreement, a premium if the income of the tenant exceeds an amount determined by SAHT from time to time and the tenant does not meet eligibility criteria determined by SAHT (from time to time)<sup>1</sup>.

**Note—**

- 1 A provision inserted in an agreement under this regulation will not apply to a tenant who last applied for SAHT housing before 25 February 1998.

## Legislative history

### Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Formerly

*South Australian Housing Trust (Administrative Arrangements) Regulations 1995*

### Revocation of regulations

The *South Australian Housing Trust (General) Regulations 1995* were revoked by Sch 1 cl 1(1) of the *South Australian Housing Trust Regulations 2010* on 1.9.2010.

### Principal regulations and variations

Year	No	Reference	Commencement
1995	237	<i>Gazette 21.12.1995 p1808 (Erratum Gazette 18.1.1996 p382)</i>	1.1.1996: r 2
2000	17	<i>Gazette 2.3.2000 p1310</i>	6.3.2000: r 2
2005	173	<i>Gazette 28.7.2005 p2542</i>	31.7.2005: r 2
2007	184	<i>Gazette 28.6.2007 p2850</i>	1.7.2007: r 2
2007	226	<i>Gazette 30.8.2007 p3568</i>	30.8.2007: r 2

### Provisions varied

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
r 2	<i>omitted under the Legislation Revision and Publication Act 2002</i>	<i>31.7.2005</i>
r 1	varied by 17/2000 r 3	6.3.2000
r 4	deleted by 173/2005 r 4	31.7.2005
	inserted by 226/2007 r 4	30.8.2007
rr 6A and 6B	inserted by 184/2007 r 4	1.7.2007
r 7	inserted by 17/2000 r 4	6.3.2000

### Historical versions

31.7.2005

1.7.2007